

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NATIONWIDE MUTUAL  
INSURANCE COMPANY,

Petitioner,

JUDGMENT IN A CIVIL CASE

Case No. 08-cv-673-bbc

v.

WESTCHESTER FIRE INSURANCE  
COMPANY,

Respondent.

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This action came for consideration before the court with District Judge Barbara B. Crabb presiding. The issues have been considered and a decision has been rendered.

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IT IS ORDERED AND ADJUDGED

that the Final Award attached hereto as Exhibit A, is confirmed. Judgment is entered in favor of Nationwide Mutual Insurance Company on the Final Award.

  
\_\_\_\_\_  
Peter Oppeneer, Clerk of Court

2/5/09  
\_\_\_\_\_  
Date

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In the Matter of the Arbitration between:

WESTCHESTER FIRE INSURANCE COMPANY,

Petitioner,

and

NATIONWIDE MUTUAL INSURANCE COMPANY,

Respondent.

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BEFORE:

Richard D. Smith (Umpire)

Spiro K. Bantis (Arbitrator)

Janet J. Burak (Arbitrator)

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### FINAL AWARD

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The Panel, consisting of Richard D. Smith (Umpire), Spiro K. Bantis and Janet J. Burak, held hearings on November 11 and 12, 2008, in the above captioned arbitration.

The Panel has reviewed the terms and history of the treaty entitled "Comprehensive Catastrophe Liability Excess Reinsurance Contract" (hereinafter the "Treaty") which defines the relative rights and obligations of the Petitioner and Respondent in this matter. The Panel has further reviewed the materials presented to it by both parties regarding the nature and handling of the claims in question in this arbitration under the Treaty. The Panel further received extensive briefs in this matter, exhibits and authorities referenced therein, as well as testimony and argument at the hearings. Following such hearings, the Panel met and considered all the issues raised by the above-referenced materials and by majority vote concludes as follows:

1. The claims in question are subject to the provisions of paragraph 2 of Article V of the Treaty.
2. The Panel concludes that Respondent's payments as evidenced in the materials presented to the Panel were proper under the Treaty. Petitioner's demand for payment of the claims in this arbitration is DENIED.
3. All other claims of Petitioner and all other claims of Respondent are hereby DENIED.
4. The Panel retains jurisdiction for 30 business days to resolve any disputes concerning this Award.



Richard D. Smith, Umpire  
For the Panel

Dated: November 13, 2008

